

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,722	03/13/2006	Hitoshi Tamai	Q92292	9866
23373 SUGHRUE MI	7590 07/06/200 ON. PLLC	EXAMINER		
2100 PENNSYLVANIA AVENUE, N.W.			CHEUNG, WILLIAM K	
SUITE 800 WASHINGTO	N, DC 20037		ART UNIT	PAPER NUMBER
			1713	
••			MAIL DATE	DELIVERY MODE
			07/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

- 3

Application No.	Applicant(s)		
10/564,722	TAMAI, HITOSHI		
Examiner	Art Unit		
William K. Cheung	1713		

	william K. Cheung	1713   .	
The MAILING DATE of this communication appe	ars on the cover sheet with the d	correspondence add	ress
THE REPLY FILED <u>28 June 2007</u> FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR A	LLOWANCE.	•
1.  The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	ving replies: (1) an amendment, af tice of Appeal (with appeal fee) in	fidavit, or other eviden compliance with 37 Cl	ce, which FR 41.31; or (3)
a) The period for reply expires 3 months from the mailing date	· ·		
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (INCOMENTAL SOLUTION OF AND TO A	ater than SIX MONTHS from the mailin b). ONLY CHECK BOX (b) WHEN TH	g date of the final rejection	on.
TWO MONTHS OF THE FINAL REJECTION. See MPEP 70 Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	on which the petition under 37 CFR 1. tension and the corresponding amount shortened statutory period for reply orightan three months after the mailing date.	of the fee. The appropri	ate extension fee ce action; or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter a Notice of Appeal has been filed, any reply must be filed AMENDMENTS</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	o avoid dismissal of th	
<ol> <li>The proposed amendment(s) filed after a final rejection,</li> <li>They raise new issues that would require further control (b)</li> <li>They raise the issue of new matter (see NOTE below)</li> </ol>	nsideration and/or search (see NC		ecause
(c) They are not deemed to place the application in bet appeal; and/or	ter form for appeal by materially re		the issues for
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).			
4. 🔲 The amendments are not in compliance with 37 CFR 1.1		ompliant Amendment	(PTOL-324).
5. Applicant's reply has overcome the following rejection(s)			
Newly proposed or amended claim(s) would be al non-allowable claim(s).	•	•	
7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected the status of the claim(s) is (or will be) as follows: Claim(s) allowed: None.		ill be entered and an e	explanation of
Claim(s) objected to: <u>None</u> . Claim(s) rejected: <u>1-20</u> .			•
Claim(s) withdrawn from consideration: <i>None</i> .  AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good anwas not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
<ol> <li>The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessar</li> </ol>	overcome <u>all</u> rejections under appe y and was not earlier presented. S	eal and/or appellant fa See 37 CFR 41.33(d)(	ils to provide a 1).
<ol> <li>The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER</li> </ol>		•	
<ol> <li>The request for reconsideration has been considered bu <u>See Continuation Sheet.</u></li> </ol>		in condition for allowa	nce because:
12. Note the attached Information Disclosure Statement(s).	(PTO/SB/08) Paper No(s)		
13. Other:	WILLIAM K. CHEUNG	2/07	
	WILLIAM K. CHEUNG PRIMARY EXAMINER	' /	
0.01.1.17.1.1.00	Lim		

Continuation of 11. does NOT place the application in condition for allowance because: Applicants argue the claimed invention differs from the curable emulsion of Hasegawa et al. in that Hasegawa et al. is a copolymer prepared by copolymerizing the radical-polymerizable components (a) - (d). However, applicants fail to recognize that the claims as written do not exclude a curable composition that is prepared by copolymerizing the radical-polymerizable components (a) - (d). Applicants also argue that the claimed invention is a mixture of polymers rather than a copolymer comprising components A, B and C. However, applicants fail to recognize that claims as written do not require the components A, B, and C to be separate polymers or ingredients; ie., the copolymer of Hasegawa et al. comprising the components A, B, and C would be within the scope of the claims as written. As written, components A, B, and C can be interpreted as the components of a polymeric composition. In view of the reasons set forth above, the rejection of claims 1-20 is proper.

WILLIAM K. CHEUNG